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In re Application of :
Daniel J. Balbierz et al. :
Application No. 09/823,910 :
Patent No. 7,025,765 :
Filed: March 30, 2001 :
Issue Date: April 11, 2006 :
Attorney Docket No. 13724-845 :
Title: TISSUE BIOPSY AND :
TREATMENT APPARATUS AND METHOD :

OFFICE OF PETITIONS

DECISION ON PETITION
UNDER 37 C.F.R. §1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 C.F.R. § 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR §1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR §1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR §1.28 is hereby accepted. The petition is **GRANTED** accordingly.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225¹. All other inquiries

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning examination procedures or status of the application
should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Paul Shanowski". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office